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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,264	02/11/2004	Daisy Han	JCLA11985	5391
23900	7590	03/14/2006	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			MALLARI, PATRICIA C	
			ART UNIT	PAPER NUMBER
			3736	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/777,264

Applicant(s)

HAN, DAISY

Examiner

Patricia C. Mallari

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 3, 9, and 10 are objected to because of the following informalities:

On line 1 of claim 2, "the air-pump opening" should be replaced with "an air-pump opening".

On line 1 of claim 9, "further comprising" should be replaced with "wherein the pressure sensing unit comprises". The instant specification shows the mercury column as being a portion of the pressure sensing unit, rather than being a separate unit provided in addition to the pressure sensing unit, as is currently claimed

In claim 10, "further comprising" should be replaced with "wherein the blood pressure display unit comprises". The instant specification shows that the display unit may be an electronic display unit, rather than having a blood pressure measuring device with a display unit and a second electronic display unit, as currently claimed

Appropriate correction of each item is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by US

Patent No. 5,271,409 to Millay. Millay teaches a blood pressure cuff comprising a strap

unit 10 and a ring 20 attached to one end 22 of the strap unit, wherein the direction of the ring is not perpendicular to an outstretch direction of the strap unit, and the strap unit is adapted to pass through the ring (fig. 2; col. 3, lines 12-30 of Millay).

Regarding claim 2, the cuff further comprises an air sac disposed in the strap unit, the sac comprising an air inlet, wherein the connection between the bladder and the hose functions as an inlet (col. 2, lines 55-col. 3, line 11 of Millay).

Regarding claim 3, an air pump unit (portable unit that periodically inflates the blood pressure cuff assembly), connected to the an air pump opening, wherein the connection between the portable unit and the hose functions as an air pump opening, wherein air is delivered through the air inlet into the air sac (col. 2, lines 52-65 of Millay).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,271,409 to Millay, as applied to claims 1-3 above, and further in view of US Patent No. 4,429,699 to Hatschek. Millay states that the blood pressure cuff is applied to a person's arm and that a free end of the strap passes through the ring (fig. 1; col. 3, lines 13-23 of Millay), but fails to describe the details as to how the cuff is maintained on the arm. However, Hatschek teaches a similar cuff structure adapted to be placed on a

patient's arm wherein the free end of the strap is capable of passing through the ring 93 and adhering to itself so that it may be maintained on the arm. The strap comprises a first adhering region 95 and a second adhering region 97. In an open state (non-adhered state) of the cuff, the first adhering region 95 is disposed on a surface of the strap at one end further away from the ring 93 than the second adhering region 97, and the second adhering region 97 is disposed on the surface of the strap adjacent to the first adhering region (fig. 4; col. 4, lines 19-34 of Hatschek). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the attachment means of Hatschek with the cuff of Millay since Millay teaches applying the cuff to an arm, and the attachment means of Hatschek enables such application.

Claims 5-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,271,409 to Millay, as applied to claims 1-3 above, and further in view of US Patent No. 4,429,699 to Hatschek. Millay teaches the cuff and a pressure sensing unit, wherein the inflatable sac or bladder, the hose, and the portable unit comprise the pressure sensing unit and at least the hose is considered to be disposed on the strap unit (figs. 1& 2; col. 2, line 52-col. 3, line 30 of Millay), but fails to describe blood pressure display unit

Hatschek teaches a blood pressure measuring apparatus comprising a blood pressure display unit 27, a pressure sensing unit, and a cuff 1 of similar structure to that of Millay, (figs. 1-3; col. 2, line 50-col. 3, line 52 of Hatschek). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the

display unit of the apparatus of Hatschek with the apparatus of Millay in order to provide the user with an indication of the blood pressure upon completion of the measurement.

Regarding claim 6, the cuff further comprises an air sac disposed in the strap unit, the sac comprising an air inlet, wherein the connection between the bladder and the hose functions as an inlet (col. 2, lines 55-col. 3, line 11 of Millay).

Regarding claim 7, an air pump unit (portable unit that periodically inflates the blood pressure cuff assembly), connected to the an air pump opening, wherein the connection between the portable unit and the hose functions as an air pump opening, wherein air is delivered through the air inlet into the air sac (col. 2, lines 52-65 of Millay).

Regarding claim 10, the display is an electronic display unit (fig. 1 of Hatschek).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,271,409 to Millay in view of US Patent No. 4,429,699 to Hatschek, as applied to claims 5-7 and 10 above. Millay, as modified, states that the blood pressure cuff is applied to a person's arm and that a free end of the strap passes through the ring (fig. 1; col. 3, lines 13-23 of Millay), but fails to describe the details as to how the cuff is maintained on the arm. However, Hatschek teaches a similar cuff structure adapted to be placed on a patient's arm wherein the free end of the strap is capable of passing through the ring 93 and adhering to itself so that it may be maintained on the arm. The strap comprises a first adhering region 95 and a second adhering region 97. In an open state (non-adhered state) of the cuff, the first adhering region 95 is disposed on a surface of the strap at one end further away from the ring 93 than the second adhering

region 97, and the second adhering region 97 is disposed on the surface of the strap adjacent to the first adhering region (fig. 4; col. 4, lines 19-34 of Hatschek). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the attachment means of Hatschek with the cuff of Millay since Millay teaches applying the cuff to an arm, and the attachment means of Hatschek enables such application.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,271,409 to Millay in view of US Patent No. 4,429,699 to Hatschek, as applied to claims 5-7 and 10 above, and further in view of US Patent No. 5,626,142 to Marks. Millay lacks a mercury column but teaches using an electronic pressure gauge. However, Marks teaches that either a mercury column or an electronic pressure gauge may be used as a manometer in a blood pressure measuring device (col. 4, lines 37-43 of Marks). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use a mercury column in place of the electronic pressure gauge of Millay in view of Hatschek, since Marks shows the two types of manometers to be functionally equivalent.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia C. Mallari whose telephone number is (571) 272-4729. The examiner can normally be reached on Monday-Friday 10:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patricia Mallari  
Patent Examiner  
Art Unit 3736

